IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROFESSIONAL : CIVIL ACTION NO. 1:19-CV-1121

LIABILITY JOINT UNDERWRITING:

ASSOCIATION, : (Judge Conner)

:

Plaintiff :

:

V.

TOM WOLF, in his Official : Capacity as Governor of the : Commonwealth of Pennsylvania, : and the GENERAL ASSEMBLY : OF THE COMMONWEALTH OF :

PENNSYLVANIA,

:

Defendants:

ORDER

AND NOW, this 22nd day of December, 2020, upon consideration of the cross-motions (Docs. 40, 42, 46) for summary judgment pursuant to Federal Rule of Civil Procedure 56, and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

- 1. The motion (Doc. 42) for summary judgment by the Pennsylvania Professional Liability Joint Underwriting Association ("Association") is GRANTED as to Counts II and IV of the Association's complaint and to the extent that the court will enter declaratory judgment on Counts II and IV as requested in Count V. The motion is otherwise DENIED.
- 2. The motions (Docs. 40, 46) for summary judgment by the General Assembly of the Commonwealth of Pennsylvania and by Governor Wolf are GRANTED as to Counts I and III of the Association's complaint. The motions are otherwise DENIED.

- 3. It is ORDERED and DECLARED that Section 1502-B and Section 1503-B of the Act of June 28, 2019, P.L. 101, No. 15, § 7 ("Act 15") are unconstitutional in violation of the Fifth and Fourteenth Amendments to the United States Constitution, and enforcement thereof is hereby and permanently ENJOINED.
- 4. It is further ORDERED and DECLARED that Section 1505-B(1) of Act 15 is unconstitutional in violation of the First and Fourteenth Amendments to the United States Constitution, and enforcement thereof is hereby and permanently ENJOINED.
- 5. The Clerk of Court shall enter summary judgment in favor of the Association as to Counts II and IV and in favor of defendants as to Counts I and III. The Clerk of Court shall enter declaratory judgment on Count V as set forth in paragraphs 3 and 4.
- 6. The Clerk of Court shall thereafter close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania